

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>8:09cr187</b>
<b>vs.</b>	)	
	)	<b>ORDER</b>
<b>DANNY REAVES,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the court pursuant to 28 U.S.C. § 636 and the referral of Chief Judge Bataillon on the defendant's "UNOPPOSED MOTION FOR LEAVE TO FILE OBJECTIONS TO THE REPORT AND RECOMMENDATION OUT OF TIME" (Doc. 32). The motion pertains to the nondispositive order entered on August 21, 2009 (Doc. 25) denying the defendant's Motion to Sever Counts (Doc. 20).

The August 21 order was entered the same day as the hearing on the motion to sever. The order specifically provided that, "Pursuant to NECrimR 57.2, a party may appeal this order by filing a 'Statement of Appeal of Magistrate Judge's Order' within ten (10) business days after being served with the order." The record does not support the defendant's assertion that the parties were given 10 business days from the filing of the transcript in which to appeal the August 21, 2009. Thus, I find that the defendant has not shown good cause for the continuance requested.

**IT IS ORDERED:**

1. Defendant's "UNOPPOSED MOTION FOR LEAVE TO FILE OBJECTIONS TO THE REPORT AND RECOMMENDATION OUT OF TIME" (Doc. 32) is denied.
2. Considering the September 28, 2009 trial date, pursuant to NECrimR 57.2, a party may appeal this order by filing a 'Statement of Appeal of Magistrate Judge's Order' no later than **September 17, 2009**.

**DATED September 15, 2009.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**